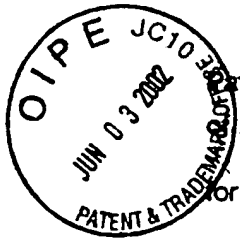


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Patent application

Inventor(s)

Title of invention

the specification of which is being transmitted herewith

OR

In re application of: BERMANN, Ronnie J.

Application No.: 10 / 075,671 Group No.: 1761

Filed: 2/15/2002 Examiner:

For: DEVICE FOR DISPENSING SANDWICHES

RECEIVED
JUN 11 2002
TC 1700

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

COPY OF PAPERS
ORIGINALLY FILED

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231
37 C.F.R. § 1.8(a) 37 C.F.R. § 1.10*
- ☐ with sufficient postage as first class mail. ☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____(mandatory.)

TRANSMISSION

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature _____

Date: _____

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Information Disclosure Statement [6-1]—page 1 of _____)

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last."

37 C.F.R. § 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c).

NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ EPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☒ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."

NOTE: The wording in § 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

- ☐ Exception(s) to above:
- ☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.
 - ☐ Cumulative patents or publications identified in Section 5.

Section 9. Concise Explanation of English Language Listed Information Items (OPTIONAL)

NOTE: "Applicants may, if they wish, provide a concise explanation of why English-language information is being submitted and how it is understood to be relevant. Concise explanations are helpful to the Office, particularly where documents are lengthy and complex and applicant is aware of a section that is highly relevant to patentability or where a large number of documents are submitted and applicant is aware that one or more are highly relevant to patentability." Notice of April 20, 1992 (1138 O.G. 37-41, 38).

U.S. Patent No. 2,157,476, issued on May 9, 1939 to Brodesser, describes a dispensing container having a generally tubular member having a disk portion affixed therein. The disk has a pair of arms extending outwardly of slots formed in the wall of the tubular member. By moving the arms forwardly in the slot, the dispensing container can move ice cream, and other foodstuffs, outwardly of the open end of the container.

U.S. Patent No. 2,248,843, issued on July 8, 1941 to Atwood, teaches a lifting strip bag using a lifting strip for pulling the sandwich progressively from the bag as it is being eaten. The lifting strip is fashioned from a ribbon of sheet material doubled upon itself to form separate legs of unequal length.

U.S. Patent No. 3,003,207, issued on October 10, 1961 to Powers, describes a sandwich holder which is foldable around the exterior of the sandwich so as to expose portions of the sandwich during consumption.

U.S. Patent No. 4,589,553, issued on May 20, 1986 to Ferrero, teaches a package for a rigid or semi-rigid food product which is a wrapper sheet that can be torn along a transverse rupture line. The package includes a take-up member which at least partly surrounds the portion of the wrapper sheet between one end of the product and the rupture line.

U.S. Patent No. 4,821,906, issued on April 18, 1989 to Clark, describes an ice cream cone guard formed of a conical receptacle for supporting a cone. A shield is mounted in a slide for variable extension relative to the receptacle.

U.S. Patent No. 4,940,190, issued on July 10, 1990 to Groves, teaches a container for food having an open portion or an openable portion for presenting food for consumption. A panel is provided with at least a partially frangible portion that can be moved from a position coplanar with the panel to a position extending outwardly of the panel.

U.S. Patent No. 5,042,666, issued on August 27, 1991 to Dolene, describes a foldable sandwich bag having a wall of laminated structure and an outer wrap securely attached thereto to form a laminate. The outer layer is configured in segments that can be torn away, along with the attached inner layer, to reveal the contents of the bag.

U.S. Patent No. 5,353,956, issued on October 11, 1994 to Wilson, teaches a chewing gum dispenser having a square tubular body with a lever extending outwardly of a side thereof. The upward movement of the lever will cause one of the sticks of chewing gum to be pushed outwardly of the opening of the container.

U.S. Patent No. 6,261,611, issued on July 17, 2001 to Berman, teaches a hand-held food package that enables heterogeneous foods to be shipped, stored, and heated in the same disposable package. A handle is provided which will push the contents of the container outwardly of the open end of the container.

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this statement is

(check each applicable item)

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

- (c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

- ☐ supplied by the inventor(s).
☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. § 1.56(c))
☒ in the practitioner's file.

Reg. No.: 30,627

Tel. No.: () 713-224-8080

Customer No.: 24106

SIGNATURE OF PRACTITIONER

John S. Egbert

(type or print name of practitioner)

Harrison & Egbert

412 Main St., 7th Floor

P.O. Address

Houston, Texas 77002